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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO HEALTH AND SAFETY - FREEDOM FROM LIFE-THREATENING
PHYSICAL RESTRAINT ACT

Introduced By: Representatives Gallison, Canario, Naughton, Azzinaro, and Kazarian

Date Introduced: March 27, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 17.27

4 FREEDOM FROM LIFE-THREATENING PHYSICAL RESTRAINT ACT

5 **23-17.27-1. Short title.--** This chapter shall be known and may be cited as the "Freedom
6 from Life-Threatening Physical Restraint Act."

7 **23-17.27-2. Fundamental purpose.--** This chapter is enacted to protect and promote the
8 right of each person who is served by a covered facility to be free from life-threatening physical
9 restraint.

10 **23-17.27-3. Definitions.--** For the purposes of this chapter:

11 (1) "Service provider" means any person employed or contracted by a covered facility to
12 provide support or care, residential support, education, healthcare, treatment, or direct
13 supervision.

14 (2) "Covered facility" means any agency, organization, or public or private entity,
15 regardless of the state agency under whose authority its license or certification is established, that
16 provides support or care, residential support, education, healthcare, treatment, or direct
17 supervision. "covered facility" does not include any law enforcement department, the department
18 of corrections, the training school for youth, or the forensic unit at the Eleanor Slater hospital.

1 (3) "Life-threatening physical restraint" means any physical restraint or hold on a person
2 that may cause death, including prone restraint or any restraint that is contraindicated by a
3 person's physical or mental health.

4 **23-17.27-4. Use of restraints.--** No service provider of any covered facility may use a
5 life-threatening physical restraint, at any time.

6 **23-17.27-5. Recording and data collection.--** (a) Any use of restraint on a person must
7 be documented. This documentation must be maintained by the covered facility and shall be
8 submitted electronically to the licensing agency within four (4) days of the use of a restraint. The
9 following information must be included:

10 (1) The name of the person restrained;

11 (2) The name of the covered facility;

12 (3) The names of the staff participating in the restraint;

13 (4) The names of other staff present (including medical professionals);

14 (5) The date and time of the restraint;

15 (6) The length of time of the restraint;

16 (7) The location of the restraint;

17 (8) The nature of the emergency and what steps were taken to prevent the emergency
18 from arising if there were indications that such an emergency was likely to arise;

19 (9) The attempts of de-escalation and positive behavioral supports utilized;

20 (10) If, when, and how the family or advocate was contacted;

21 (11) Who attended the debriefing and when the debriefing occurred; and

22 (12) The outcome of the debriefing.

23 (b) If the use of restraint results in serious physical injury or death to the person, the
24 covered facility shall immediately contact emergency rescue responders and report the incident to
25 law enforcement. The covered facility shall then report the incident to the director of the state
26 agency that has jurisdiction or supervisory control over the covered facility. The director shall
27 report any incidence of serious injury or death to the attorney general, and if a child, to the child
28 advocate.

29 **23-17.27-6. Training and policies.--** Each covered facility shall:

30 (1) Develop policies and procedures that establish monitoring, documentation, reporting
31 and internal review of the use of restraint in accordance with this chapter;

32 (2) Require nationally recognized training of all service providers in the
33 reduction/elimination of restraint and seclusion. The training shall be approved by the director of
34 the state agency that has supervisory control over the covered facility. The training shall include,

1 but not be limited to:

2 (i) Leadership towards organizational change;

3 (ii) Use of data to inform practice;

4 (iii) Workforce development;

5 (iv) Use of prevention tools, including positive behavior interventions and de-escalation;

6 (v) Inclusion of individuals, families, and advocates; and

7 (vi) Debriefing techniques and outcomes.

8 (3) Make the policies and procedures required under subdivision (1) available to the

9 director of the state agency that has jurisdiction or supervisory control over the covered facility.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY - FREEDOM FROM LIFE-THREATENING
PHYSICAL RESTRAINT ACT

1 This act would prevent service providers at covered facilities from using life-threatening
2 physical restraint at any time upon persons serviced by the agency. If any restraint is used the act
3 would require incident reports, medical care and law enforcement involvement as well as
4 development of policies and procedures and staff training.

5 This act would take effect upon passage.

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